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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 JOHN BURTON,

10 Plaintiff,

11 v.

12 CITY OF SPOKANE, *et al.*,

13 Defendants.  
14

NO. CV-06-322-RHW

**ORDER DENYING  
DEFENDANT'S MOTION FOR  
RECONSIDERATION AND  
STRIKING HEARING**

15 Before the Court is Defendant's Motion for Reconsideration of Discovery  
16 Ruling Re Counterclaims (Ct. Rec. 152). The motion was noted for hearing for  
17 October 22, 2008. The Court has reviewed the submissions of the parties and has  
18 concluded that the motions can be decided without oral argument. *See* L.R.  
19 7.1(h)(3).

20 On July 25, 2008, the Court granted Plaintiff's Motion to Compel (Ct. Rec.  
21 144). The Court ordered Defendants to produce discovery related to the City's  
22 alleged practice of filing counterclaims, notwithstanding Defendant's claims that  
23 such discovery is work-product and privileged. On September 19, 2008,  
24 Defendants filed a Motion for Reconsideration of this Order.

25 The Court denies Defendants' Motion for the following reasons. First, it is  
26 untimely. *See* Fed. R. Civ. P. 59(e). Second, motions for reconsideration are  
27 disfavored and are only appropriate if the Court is presented with newly discovered  
28 evidence; has committed clear error, or there is an intervening change in the

**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION  
AND STRIKING HEARING ~ 1**

1 controlling law. *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.  
2 1999). To succeed in a motion for reconsideration, a party must set forth facts or  
3 law of a strongly convincing nature to induce the Court to reverse its prior  
4 decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656,  
5 665 (E.D. Cal. 1986), *aff'd in part and rev'd in part on other grounds*, 828 F.2d  
6 514 (9th Cir. 1987).

7 In their Motion for Reconsideration, Defendants make the same arguments  
8 that were presented in their response to Plaintiff's Motion to Compel. The Court  
9 rejected those arguments when it granted Plaintiff's motion, and Defendants have  
10 not shown that this was clear error to warrant reconsideration of its Order.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendant's Motion for Reconsideration of Discovery Ruling Re  
13 Counterclaims (Ct. Rec. 152) is **DENIED**.

14 2. The hearing set for October 22, 2008, is **stricken**.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
16 Order and forward copies to counsel.

17 **DATED** this 21<sup>st</sup> day of October, 2008.

18 *S/ Robert H. Whaley*  
19 ROBERT H. WHALEY  
20 Chief United States District Judge  
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